

Senate File 562 - Introduced

SENATE FILE 562
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1095)

A BILL FOR

1 An Act relating to the removal of city utility board members,
2 and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 388.3, Code 2019, is amended to read as
2 follows:

3 **388.3 Procedure upon approval.**

4 1. If a proposal to establish a utility board receives
5 a favorable majority vote, the mayor shall appoint the board
6 members, as provided in the proposal, subject to the approval
7 of the council. The council shall by resolution provide for
8 staggered six-year terms for, and shall set the compensation
9 of, board members. Notwithstanding section 372.15, board
10 members may only be removed from office pursuant to section
11 388.3A.

12 2. A board member appointed to fill a vacancy occurring by
13 reason other than the expiration of a term is appointed for the
14 balance of the unexpired term.

15 3. A public officer or a salaried employee of the city may
16 not serve on a utility board.

17 **Sec. 2. NEW SECTION. 388.3A Removal of utility board**
18 **members for cause.**

19 1. Any person appointed as a board member of a utility
20 board pursuant to section 388.3 may be removed from office by
21 the mayor with the approval of the city council for any of the
22 following reasons:

23 a. Upon sufficient evidence supporting removal for any
24 reason enumerated in section 66.1A.

25 b. For habitual nonattendance of board meetings.

26 2. Removal pursuant to this section shall be by written
27 order. The order shall give the reasons for the removal and
28 shall be filed in the office of the city clerk, and a copy
29 shall be sent by certified mail to the person removed who, upon
30 request filed with the city clerk within thirty days of the
31 date of mailing the copy, shall be granted a public hearing
32 before the city council on all issues connected with the
33 removal. The hearing shall be held within thirty days of the
34 date the request is filed unless the person removed requests
35 a later date.

1 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate
2 importance, takes effect upon enactment.

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with
5 the explanation's substance by the members of the general assembly.

6 Under Code section 372.15, any person appointed to city
7 office may be removed from office by written order from the
8 officer or body making the appointment. This bill provides
9 that notwithstanding Code section 372.15, board members of
10 city utilities established under Code chapter 388 may only be
11 removed from office pursuant to new Code section 388.3A.

12 New Code section 388.3A provides that city utility
13 board members may be removed from office by the mayor with
14 the approval of the city council upon sufficient evidence
15 supporting any reason enumerated in Code section 66.1A or for
16 habitual nonattendance of board meetings. Code section 66.1A
17 provides for the removal of appointed or elected officers by
18 the district court for certain reasons, including neglect or
19 refusal to perform duties, misconduct or maladministration,
20 corruption, extortion, conviction of a felony, intoxication, or
21 conviction of a violation of Code chapter 68A. Removal of city
22 utility board members shall be by written order pursuant to the
23 procedure described in the bill.

24 The bill takes effect upon enactment.